



The Commonwealth of Massachusetts

Division of Marine Fisheries

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October 28, 2020

Mr. Michael Maresco
Marshfield Town Administrator
Shellfish Division
870 Moraine Street
Marshfield, MA 02050

Mr. James Boudreau
Scituate Town Administrator
Shellfish Division
600 Chief Justice Cushing Hwy
Scituate, MA 02066

RE: Pending Shellfish Closure of North & South Rivers

Dear Sirs,

The harvest and handling of all shellfish in the United States is controlled by the National Shellfish Sanitation Program (NSSP). The NSSP is administered by the Interstate Shellfish Sanitation Conference (ISSC) and the United States Public Health Service/Food and Drug Administration (FDA). As a member and signatory of the ISSC, Massachusetts is committed to remaining in compliance and conformance of the NSSP. FDA is responsible for annual evaluations of state shellfish programs to verify compliance with the NSSP. For the last three years the USFDA has been critical of aspects of DMF's shellfish growing area classification program.

FDA evaluates the DMF shellfish growing area program annually, randomly selecting areas for review and compliance with the NSSP. Each year different, actively harvested, areas are selected for review. DMF has been debited in these annual evaluations for inadequate sizing of prohibited areas/closed safety zones around waste water treatment plant (WWTP) discharges [NSSP Model Ordinance Chapter IV@.03 E.(5.) (b.)]. In July 2019, FDA issued their evaluation expressing concern closed safety zones around Marshfield and Scituate WWTP were not adequate. DMF issued a response in August which then precipitated discussions with FDA on many issues beginning in late October. FDA provided dilution assessments of both WWTP's to DMF in mid to late June 2020. These analyses indicated sufficient dilution was not possible within the North and South River complex, areas MB5 and MB6. Discussions continued with FDA into early July with DMF conducting an internal review which resulted in our August meeting. The short notice for the August meeting we believed was needed to provide both communities with sufficient lead time ahead of the annual seasonal re-opening on November 1.

To date, dye studies have not been conducted on the Scituate wastewater treatment plant. Rather FDA has used simple dilution calculations assuming average flows to determine impacts. We

have requested assistance from FDA in the planning and conduct of a hydrographic dye study of the Scituate plant to determine if sufficient dilution exists within the North-South River complex. We hope to demonstrate this with 1)a dye study, 2)viral indicator testing of influent and effluent as well as downstream shellfish analysis and 3)an evaluation of plant operations and a review of historical plant records. This will take time to plan and coordinate with FDA requiring the extension of the seasonal closure. Temporarily FDA has agreed to allow DMF to keep areas MB5 and MB6 in the CLOSED status rather than downgrade the classification to Prohibited with the goal to complete a dye-study and new pollution assessment and dilution analysis. As we stated in our meeting in August, DMF will not reopen the North and South Rivers in November, leaving the areas CLOSED for this season.

Certainly, we disagree with FDA as to the amount of area to be closed and will continue to advocate for shellfishing to continue in some portion of the North and South River complex. We also realize that without these areas Marshfield has no recreational harvest opportunities and Scituate few. DMF will continue to press FDA to accept an alternate dilution analysis and/or shellfish harvest management scheme which would allow for continued harvest opportunities. That said, if Massachusetts were formally cited in non-conformance by FDA the ultimate sanction would be to prohibit all interstate shipment (or export) of bivalve molluscan shellfish. Obviously, a strong incentive to remain in compliance.

Of course, we are available for a meeting to discuss this issue further. In the meantime, please do not hesitate to contact me or Greg Sawyer with any questions.

Sincerely,



Jeff Kennedy

Shellfish Program Lead

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cc: M. DiMeo, Marshfield/Scituate Shellfish Constable
S. Woods, North and South Rivers Watershed Association
Sen. P. O'Connor, Massachusetts, Plymouth and Norfolk
Rep. P. Kearney, Massachusetts, 4th Plymouth
D. McKiernan, G. Sawyer, H. Williams, DMF